



STATE OF CONNECTICUT

OFFICE OF STATE ETHICS

OFFICE OF STATE ETHICS' STATEMENT REGARDING RAISED BILL No. 6694 AN ACT CONCERNING THE STATE CODE OF ETHICS FOR LOBBYISTS

The primary purpose of this bill is to redefine a registered lobbyist for the purpose of the Code of Ethics for Lobbyists. The proposed language in the bill stems from concerns raised by the Association of Connecticut Lobbyists ("ACL") regarding a lack of clarity as to the lobbyist registration requirements of certain individuals. The Office of State Ethics ("OSE") wishes to note at the outset that both the ACL and OSE have been working together on the resolution of the issues addressed in this bill with hopes of arriving at mutually agreeable language. The OSE respectfully requests that the following comments be considered with regards to the language currently in place in the raised bill.

Under sections 1, 2, and 3 of Raised Bill No. 6694, the proposed language narrows the definition of lobbyist. As drafted, the bill would likely eliminate certain individuals from direct regulation under the Code of Ethics for Lobbyists. Generally, registration as a lobbyist is required if an individual expends \$2,000 or more in "lobbying [that] is *incidental to* that person's *regular* employment." The ACL has expressed concern that the phrase "*incidental to*" does not provide a clear legal standard and has proposed amending this term to "*within the normal scope* of the person's *regular* employment."

We respect the sincere desire for clarity on the part of the lobbyist community and agree with the ACL that there is the potential for improvement in relation to the terms "*incidental to that person's regular employment*" and "*incidental to his regular employment*" as found in sections 2 and 3 respectively. The OSE agrees with adopting an accepted legal standard for this purpose and, in order to adopt a commonly understood and cognizable legal standard, suggests "*scope of employment*." As found in the bill's current language, prefacing the well-established legal standard of "*scope of employment*" with the qualifiers "*normal*" and "*regular*" would not assist in establishing a bright line test. The current bill would potentially muddy the waters by permitting individuals to claim that lobbying is only their part-time job or an activity that they do not normally do, except during the legislative session or in response to particular bills.

In response to the concerns of the lobbying community regarding certain individuals currently required to register that they believe should be exempt in the public interest, the OSE, in the alternative, recommends that these concerns may be best handled through the regulatory process. General Statutes Section 1-91(k) specifically empowers the OSE to adopt exceptions to the definition of lobbying. Proposing specific exemptions through regulations, rather than meaningfully restricting the statutory definition of "lobbyist" and the related registration requirements is less likely to disrupt the regulatory framework.

In summary, acknowledging the ongoing consultation with the lobbying community, the OSE proposes to modify the language of Raised Bill No. 6694 by replacing the term "*within the normal scope of regular employment*" with "*within the scope of employment*" in all instances of its appearance in the proposed bill.

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